

PATENT
ATTORNEY DOCKET NO.: 048462-5003-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

PRIOR APPLICATION: Examiner: N. NGO
Group Art Unit: 2633

**CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART
PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/494,246, filed on January 31, 2000, of:

Inventor(s): Nicholas John DORAN et al.

For: OPTICAL FIBRE COMMUNICATION SYSTEM

2. The papers enclosed are as follows:

10 Page(s) of specification including
0 Title Page
1 Page of claims
1 Page of abstract
9 Sheets of drawings containing 15 Figures
Other: _____

3. Amendments

For continuation and divisional applications:

- ☐ Cancel in this application original claims_____ in the enclosed copy of prior application before calculating the filing fee.
- ☒ A preliminary amendment is enclosed. Please enter this preliminary amendment before calculating the filing fee.

4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ A copy of a revocation of original power of attorney and grant of New Power of attorney by Assignee. The entire disclosure of the prior application, from which a copy of the revocation and grant is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

For continuation-in-part applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Relate Back - 35 U.S.C. § 120

☐ Amend the specification by inserting before the first line the sentence:

“This is a ☐ continuation ☐ divisional ☐ continuation-in-part of copending application(s)

☐ Application No. _____, filed on _____.”

☐ International Application No. _____ filed on _____ and which designated the U.S.”

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed
United Kingdom	9716230.9	July 31, 1997
International Application	PCT/GB98/02291	July 30, 1998

Certified copy(ies): ☐ is/are attached.

☐ will follow.

☒ was/were filed in prior U.S. Application No. 09/494,246 on January 31, 2000.

7. Assignment

For continuation or divisional applications:

☒ The prior application is assigned of record to BTG International Limited, recorded January 31, 2000 at Reel/Frame 010546/0429.

☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

☐ An assignment of the invention to _____ and a
PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$385.00
Total Claims (37 C.F.R. § 1.16(c))	2 - 20 =	0	\$ 18.00 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	2 - 3 =	0	\$ 86.00 each =	+ \$0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$290.00	+ \$0.00
SUB-TOTAL =				\$
Reduction by ½ for filing by a small entity				- \$
TOTAL FILING FEE =				\$ 770.00

9. Fee Payment

☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT
ACCOUNT AT THIS TIME.**
This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time
set for paying the filing fees.

☒ Please charge our Deposit Account No. 50-0310 in the amount of \$770.00 for
payment of the continuation application filing fee.

☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this
time and no authorization is given to charge our deposit account for this
fee.

10. Small Entity Status is claimed and

- ☐ a statement claiming small entity status is enclosed, or
- ☐ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

12. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

13. ☒ **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/494,246, filed January 31, 2000, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

14. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

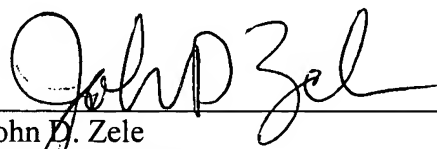
15. Additional papers enclosed:

- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449 without references
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



John D. Zele
Reg. No. 39,887

Dated: November 17, 2003

Customer No. 09629
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